

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF CALIFORNIA

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3 UNITED STATES OF AMERICA, ) Docket No. 20-CR-213  
4 Plaintiff, ) Sacramento, California  
5 v. ) March 24, 2021  
6 ) 2:01 p.m.  
7 CHALONER SAINTILLUS, )  
8 ) Re: Arraignment and  
9 Defendant. ) initial appearance

10 TRANSCRIPT OF PROCEEDINGS  
11 BEFORE THE HONORABLE CAROLYN K. DELANEY  
12 UNITED STATES MAGISTRATE JUDGE

13 APPEARANCES (Via Zoom):

14 For the Plaintiff: HON. PHILLIP A. TALBERT  
15 United States Attorney by  
16 MR. SAMUEL STEFANKI  
17 Assistant U.S. Attorney  
18 501 I Street, Suite 10-100  
19 Sacramento, CA 95814

20 For the Defendant: OFFICE OF THE FEDERAL DEFENDER by  
21 MS. HANNAH LABAREE  
22 801 I Street, 3rd Floor  
23 Sacramento, CA 95814

24 JENNIFER COULTHARD, RMR, CRR  
25 Official Court Reporter  
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1 SACRAMENTO, CALIFORNIA, WEDNESDAY, MARCH 24, 2021

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3 (In open court via Zoom.)

4 THE CLERK: Calling criminal matter 20-213, the United  
5 States v. Chaloner Saintillus, on for arraignment, initial  
6 appearance.

7 THE COURT: Good afternoon. Who's here on behalf of  
8 the United States?

9 MR. STEFANKI: Good afternoon, Your Honor; Sam  
10 Stefanki on behalf of the United States.

11 THE COURT: And do you consent to proceeding by Zoom?

12 MR. STEFANKI: Yes, Your Honor. Thank you.

13 THE COURT: Thank you. Is anyone here on behalf of  
14 Mr. Saintillus?

15 MS. LABAREE: Good afternoon, Your Honor; Hannah  
16 Labaree from the Federal Defenders Office for Mr. Saintillus.

17 My understanding from the courtroom deputy is that he  
18 did not agree to come to appear today.

19 My understanding from speaking with him earlier is  
20 that we are going to be asking for an in-person detention  
21 hearing in this case and so my guess is that he's not agreeing  
22 to appear by Zoom for the initial appearance either.

23 THE COURT: All right. So what would you suggest we  
24 do, Ms. Labaree?

25 MS. LABAREE: I would request for it to be put on for

1 both the IA and the detention hearing this Friday. I  
2 understand that might take some wrangling, and so we can talk  
3 about later dates.

4 THE COURT: All right. Mr. Stefanki, does Friday work  
5 for you?

6 MR. STEFANKI: Your Honor, the government's preference  
7 would be that we try to just set an initial appearance  
8 tomorrow, just given under Rule 5 he needs to have that without  
9 unnecessary delay unless -- the problem is I don't believe  
10 Ms. Labaree has technically been appointed to represent  
11 Mr. Saintillus, so I'm not sure that she can put anything on  
12 the record as to whether this delay is necessary or not to wait  
13 until Friday for an initial and a detention hearing.

14 THE COURT: Well, what would you suggest we do if he  
15 won't come out of his cell?

16 MR. STEFANKI: I would propose we put the initial  
17 appearance over until tomorrow, see if he decides to come out  
18 of his cell tomorrow; and if he doesn't, then we can have a  
19 first initial and detention hearing on Friday.

20 MS. LABAREE: Your Honor --

21 THE COURT: Go ahead, Ms. Labaree.

22 MS. LABAREE: I was able to speak to him today, and I  
23 did confirm that he qualifies for a federal public defender, so  
24 I would ask to be appointed today.

25 You know, I believe that for the purposes of sort of

1 expediency, based on what I know about his desires, I would be  
2 okay with the -- I think it's a necessary delay under Rule 5  
3 until Friday to do the IA and detention hearing at one time.

4 THE COURT: All right. Well, I'm going to do both.  
5 So first, I'm going to appoint the Office of the Federal  
6 Defender to represent Mr. Saintillus.

7 I'm going to put the matter over for initial  
8 appearance tomorrow and hope that he comes and appears by Zoom,  
9 but I'm also going to put the matter over for a detention  
10 hearing in person in front of Judge Newman on Friday at 2:00.

11 I believe when we've had this situation before,  
12 they've used the 16th floor courtroom, and all people who do  
13 consent to proceeding by Zoom can appear that way. So I will  
14 leave it with Judge Newman's courtroom deputy and the marshals  
15 and anybody else about how exactly this is going to get worked  
16 out.

17 I know that Judge Claire had an in-person hearing  
18 several months ago, so whatever protocol she followed for that  
19 may be workable again with Judge Newman.

20 If Mr. Saintillus appears tomorrow by video for an  
21 initial appearance, then Judge Newman will arraign him on the  
22 indictment.

23 I understand he's already appeared in front of a  
24 judicial officer more than once in Florida, so he's certainly  
25 aware of what the charges are.

1           He also filed on the docket a motion to dismiss, so  
2           again, he seems to be quite conversant with how these things  
3           are going to go.

4           For the record, even though Mr. Saintillus is not  
5           here, I am going to order under Criminal Rule 5(f) that the  
6           government be ordered to comply with its disclosure obligations  
7           under *Brady v. Maryland* and related case. Failure to do so may  
8           result in sanctions and a written order may follow. It may be  
9           that Judge Newman readvises the government of that tomorrow or  
10          Friday, but better too much than too little.

11          In the meantime, I'm going to temporarily detain him  
12          based on the information currently before me with the pretrial  
13          services report and the findings of the prior magistrate judges  
14          in Florida, and we will take it from there.

15          Anything further we can do today, Mr. Stefanki?

16          MR. STEFANKI: No. Thank you, Your Honor.

17          THE COURT: All right. Anything further you think we  
18          can do, Ms. Labaree?

19          MS. LABAREE: No, Your Honor. Thank you.

20          THE COURT: All right. So if he refuses to come out  
21          of his cell tomorrow for a Zoom appearance for the initial  
22          appearance, then Judge Newman will do it Friday, but I would  
23          ask that the jail and the marshals let everybody know ahead of  
24          time.

25          I don't know if Judge Newman will want folks to appear

1 to make a record of it or what the situation will be, but  
2 perhaps, Ms. Labaree, if he knows that he's getting an  
3 in-person deposition hearing on Friday, if we can get that  
4 together, then he'll come and appear for an initial appearance.  
5 And you may just suggest to him that this is going to make  
6 things take longer, but we will do what we can. All right? So  
7 that will adjourn that matter. Call the next matter. Thank  
8 you.

9 MR. STEFANKI: Thank you, Your Honor.

10 (Concluded at 2:07 p.m.)

11  
12 C E R T I F I C A T E

13  
14 I certify that the foregoing is a true and correct  
15 transcript of the record of proceedings in the above-entitled  
16 matter.

17   
18 JENNIFER L. COULTHARD, RMR, CRR  
19 Official Court Reporter

June 16, 2021  
DATE